

DRAFT

A meeting of the New Hampshire Water Well Board ("Board") was held on January 13, 2010 at 9:00 AM, in rooms 110 & 111, 29 Hazen Drive, Concord NH, 03302.

Present were: Jeffrey Tasker, Chairman

Board Members: Steve Guercia, Stephen Smith, Peter Caswell, Thomas Garside and David Wunsch

NHDES Staff: Richard Schofield and Allyson Gourley

Chairman Tasker brought the meeting to order at 9:02 AM.

Approval of Minutes

10/22/09 Meeting: Upon motion by Mr. Smith, and seconded by Mr. Caswell, the Board unanimously voted to accept the Minutes of the meeting.

Complaints

James Rowley / All State Builders and Maple View Development, LLC

Mr. Schofield briefed the Board regarding a complaint received from James Rowley against All State Builders and Maple View Development. In July 2008, Kimberly and James Rowley purchased a home in the Maple View Development in Bradford, NH. The home was supplied with a dug 6" gravel pack well. Two months after moving into their new home, the Rowley's noticed their drinking water had an odor. The water was analyzed and determined to be above the Maximum Contaminant Level (MCL) for arsenic.

In addition to the water quality issues, the Rowley's complaint states that Mark Brunelle who installed the well, is not a licensed Water Well Contractor in the state of New Hampshire. The complaint also alleges that the well was not constructed properly; stating that improper backfill was used, a clay cap was not used to prevent surface water from entering the well, and the finished grade was not sloped away from the well head at a 2" per foot pitch in accordance with the Water Well Regulations.

Mr. Schofield informed the Board that he conducted an inspection of the well at the Rowley property on April 7, 2009. He observed that the well casing was significantly out-of-plumb. Mr. Schofield verified that the ground surface around the well head had not been graded in accordance with the rules. He noted that the well had a Contoocook Artesian Well Company cap.

Mr. Schofield summarized the issues of the case by stating that he believed there had been a

verbal agreement between Contoocook Artesian Well Company (“Contoocook Well”) and All State Builders / Maple View Development. The agreement was that Mr. Patenaude of Contoocook Well, as the licensed Water Well Contractor, would supervise the construction of the dug wells. It appears that Mr. Patenaude did supervise the construction of some of the wells in the development, but did not supervise the installation of all of the wells, including the well on the Rowley property. Mr. Schofield informed the Board that DES had investigated the complaint with regard to whether or not Mark Brunelle and Maple View Development, LLC violated RSA 482-B by constructing wells without a license. At this point DES is referring the complaint to the Board for its consideration.

Rick Patenaude of Contoocook Well was invited to the table. Mr. Patenaude described the process used for billing standard drilled wells versus the dug wells in the Maple View Development. In the case of the Rowley well he never received a call from Maple View Development to come out and oversee the construction of the well. The billing for the well inspection was an error. He also stated that Contoocook Well installed the pumps for the wells in the development.

Mr. Wunsch stated he felt this was a matter of accountability because Contoocook Well had an agreement with Maple View Development to license the wells and Contoocook Well billed for the service.

Scott Bussiere of All State Builders was invited to the table. Mr. Bussiere stated he was an owner of Maple View Development and was attending on behalf of Mark Brunelle. The Maple View Development was Mr. Brunelle’s project. Mr. Bussiere further stated that Mark Brunelle said they called Contoocook Well for the Rowley well and someone was there from Contoocook Well during the construction.

Mr. Smith asked Mr. Brussiere, who was the equipment operator for the wells. Mr. Brussiere responded, “Mark Brunelle”.

Scott Bussiere informed the Board that he had recommended installing a filtration system for the arsenic which would cost between \$1,500 and \$2,500. He was concerned that even if they replaced the well there would still be an arsenic problem.

James Rowley was invited to the table. Mr. Rowley explained when they moved in the well cap was broken and Contoocook Well replaced the cap for a fee. The wellhead started tipping over a period of time. The top soil over the well also started eroding away and exposed sticks and stumps in the backfill. During construction he observed Mr. Brunelle pushing dirt into the well. He also saw the crushed stone in the driveway prior to the well construction and it was not washed stone because it was covered with stone dust. He thought it was for the driveway.

Mr. Rowley said the water smells like rotten eggs and there was a bacteria problem so they had the well disinfected. He also described “black crap” coming out of the faucet.

Mr. Patenaude asked Mr. Rowley if he saw anyone there when Mr. Brunelle was constructing the well? Mr. Rowley stated that when he was there, the backhoe operator was there and no one else was on the property.

Mr. Wunsch suggested the possibility that the water quality issues could be the result of improper or contaminated fill or gravel used to pack the well, rather than a naturally occurring condition, noting that it is unusual to have high arsenic in a dug well. He explained that crushed stone made from schist could release arsenic as most wells that have been found to have high arsenic are drilled in metasedimentary rocks (e.g., schist).

There was a consensus that the Rowley well was constructed by an unlicensed entity and the well was not a legal well, therefore it must be decommissioned and replaced.

Upon motion by Mr. Smith, seconded by Mr. Caswell, the Board voted unanimously to require that the existing well be decommissioned in accordance with the rules, and a new well be installed no less than 30' from the existing well.

There was additional discussion regarding whether Mr. Rowley would prefer to have a drilled bedrock well rather than a new dug well. The Board stipulated that a new dug well would incur no cost to the Rowley's. If the parties agree to construct a new drilled bedrock well, the cost would be determined by the parties.

The matter was continued until the next meeting.

Break at 11:00 am.

Reconvene 11:13 am.

Licensing

American EcoThermal Inc.

Mr. Schofield informed the Board that two applications for consideration had been submitted by American EcoThermal; one for Donald Hurlbut and one for Judd Goodwin. Mr. Schofield provided the Board with an update of some issues for consideration before reviewing the applications. The Board granted an exemption for Robert Weeks d/b/a American EcoThermal on June 11, 2009 to allow him to take the exam. Unfortunately, Mr. Weeks failed to pass the exam on June 25, 2009. As a result, American EcoThermal was still without a license.

Mr. Schofield informed the Board that a complaint had been received on November 8, 2009 regarding American EcoThermal installing geothermal wells without a license. DES investigated two geothermal wells constructed by American EcoThermal on November 16 and 18, 2009 at 86 Wilton Center Road, Wilton, NH. DES issued a notice of violation letter to the corporation on November 23, 2009.

The corporation filed well completion reports with the Board on December 10, 2009 for 23 wells constructed in New Hampshire, and Mr. Schofield met with senior management of the corporation on January 5, 2010 to discuss the reports as well as licensing requirements and circumstances pertaining to the unlicensed well construction.

Mr. Schofield reported that in consideration that the violations occurred immediately following

the effective date of a new licensing requirement, and the corrective actions taken by American EcoThermal Inc., including filing the well completion reports, working with DES staff to get the reports signed, and obtaining licensure for the business, the water well program has recommended that DES issue a notice of past violation and take no further action.

Mr. Smith made a motion that the Board enter into Executive Session to discuss the application of Donald Hurlbut, pursuant to RSA 91-A:3, II, (c). The motion was seconded by Mr. Caswell and unanimously approved.

The meeting was reconvened at 11:42 am.

The Board voted unanimously to approve the applications of Mr. Hurlbut and Mr. Goodwin to take the Drilled Well exam.

License Applicants

The Board reviewed three additional license applications:

The Board unanimously approved the application of Bill Galzarano with Expedition Drilling, to sit for the general exam.

The Board unanimously approved the application of Michael Jordan with Stone Environmental, to sit for the general exam.

The Board unanimously approved the application of Rodney Parr with Boart Longyear Company, to sit for the Rotary and Cable Tool exams.

Lunch Break 12:10 pm.

Reconvene at 1:45 pm.

NHGS Grant to Scan Well Completion Reports

David Wunsch reported on a grant that New Hampshire has received through the USGS National Data Preservation Program. He told the Membership that one of the goals of this project will be to convert all of the 116,000 water well completion report records from paper to a digital format. At the current rate of grant funding, though, this process would take many years to accomplish. He said in the future, NHGS plans to make these reports available to the public through our website.

Genevieve Al-Egaily informed the Membership that a survey had been created on the “OneStop” soliciting suggestions from the public for ways that the OneStop Database may be improved. She also reported that the Water Well database received the fifth highest amount of “hits” of all the data available over the DES web services.

Application Processing Time

Mr. Schofield brought up a matter that had been continued from the October Meeting. During that meeting, the Board voted to modify We 303.02(a), to increase the frequency with which license exams are offered from 90 days to 60 days. Mr. Garside made a motion to maintain the 90-day waiting period following a failed examination, as currently required by We 303.02(b). Considerable discussion followed and it was decided to continue the matter to the next meeting.

Mr. Schofield asked the Membership if they had made a decision to modify We 303.02(b) to reduce the waiting period from 90 days to 60 days. Following some discussion, the Board decided not to change the 90-day timeframe as currently specified by We 303.02(b).

Fees

Mr. Schofield explained that by law, the Water Well Board is required to be self-supporting. The subject of the budget became an issue as a result of the recently-formed “Legislative Consolidation Committee”. This committee has been given the task of reviewing all of the licensing boards and determining where consolidation can take place in an effort to save money. He said that following an initial fact-finding process, the Committee posted on their website the budgets for all of the Boards. The Water Well Board is the only NH Board who’s budget was neither balanced or showing an excess of funds. He pointed out that in his view the program was similar to a business where if the budget was not balanced, the only two options would be to raise fees and/or lower expenses.

Mr. Schofield presented two draft “Proposed Fee Schedules”; one that he had created and another put together by Chip Mackey. The Membership reviewed the two proposed draft fee schedules and engaged in considerable discussion of this topic. There was discussion about the need and benefit of having a dedicated account for the program. The Membership felt that if revenue, and subsequently license fees and potentially other fees, had to be raised significantly, then the revenue should be going into a dedicated program account. The Membership instructed Mr. Schofield to draft a letter to DES requesting creation of the account. The letter would be ratified by the Board at its next meeting. The Membership also considered the possibility of a stepped approach to raising revenue as an alternative to one large increase.

Mr. Schofield recommended that the Board form a subcommittee to keep the discussion active between regular Board meetings.

Members for the Budget Sub-Committee were selected as follows:

- Dave Wunsch
- Tom Garside
- Steve Smith
- Steve Guercia

Mr. Schofield also suggested asking for a representative from the Water Well Association.

Mr. Wunsch left the meeting at 2:10 pm.

Old Business**Private Well Testing**

Mr. Schofield reviewed the provisions of House Bill 1685 which is currently under consideration. The purpose of the bill is to protect public health and proposes water quality testing for a list of prescribed analytes for all new private wells, including wells that are deepened and wells that are hydro-fractured, and for all residential real estate transfers.

Mr. Schofield asked the Membership if the Board wanted to support the bill and submit a letter of testimony. Following a lengthy discussion, most of the Members agreed with the intent of the bill, but had concerns with some of the specific language.

The Board decided not to take a position on the bill and to monitor its progress.

New Business**Boshart Industries Well Cap – Request for Approval**

Bill Hastings of Boshart Industries conducted a presentation of his company's well cap for the Membership. In 2004, the Board had approved the "Turtle Cap", a well cap produced by another company. Mr. Hastings was requesting that the Board grant "approval" for his company's well cap.

Mr. Hastings said that sales of his company's well cap in New Hampshire had difficulty competing with the "Turtle Cap" because of the Board's 2004 approval.

Mr. Schofield read the wording of the Board's decision in 2004": *"To adopt a policy to accept the Baker Manufacturing cast iron Turtle Cap as approved to meet the requirements for electrical bonding."*

Mr. Smith made a motion: *"The Board rescinds the use of the word **approved** in the April 1, 2004 vote with respect to the Baker Turtle Cap. The Board accepts the Turtle Cap and the Boshart Cap, or equivalent, to meet the requirements of We 702.04 (j)."* The Motion was seconded by Mr. Garside and unanimously approved by the Board.

Other

Mr. Schofield informed the Membership that DES had issued a News Release regarding the requirement that geothermal well installers must be licensed.

Mr. Schofield also told the Board that he had sent a letter to all of the known manufacturers and distributors of dug well tiles in NH, MA, VT and ME, informing them of the requirement that the tiles be "inter-locking" for use in New Hampshire.

Mr. Schofield informed the Membership that he had met with the Office of Information Technology (OIT) staff to discuss implementation of the Complaint Registry on the One Stop

Database. He said that they have developed a “prototype” and he expects that it will be completed soon. He recommended that the Board’s counsel review and provide a “disclaimer statement” prior to going live with the new application. The Board concurred.

The meeting was adjourned at 3:30 pm.

Rene Pelletier
Water Well Board Secretary